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REMARKS

In her action, the Examiner rejected claims 11, 12, 16, 27, 28 and 32 under 35 U.S.C. 102(b) as being anticipated by Shibuya et al. 5,727,827. In the amendment to Claim 11 made supra, the description of the energy absorbing bracket was rewritten to emphasize its tubular character. It is noted that the bracket of Shibuya is not tubular in form. The bracket of Shibuya is formed as a downwardly-facing channel.

It is believed that this change is fully supported by the figures. The tubular form of the bracket of the present invention is clearly shown in Figures 9, 10, and 12A-12F. Accordingly, the Examiner is respectfully requested to withdraw her rejection of Claim 11 under 35 U.S.C. 102(b), and to allow the claim. Inasmuch as claims 12, 16, 27, 28 and 32 all depend from claim 11 and have all the limitations of claim 11, it is believed that these claims, likewise, are patentable. The Examiner is therefore respectfully requested to withdraw her rejection of claims 12, 16, 27, 28 and 32 under 35 U.S.C. (102b) and to allow these claims.

The Examiner, further, rejected claims 34, 35 and 37 under 35 U.S.C. 102(a) as being anticipated by Yoshida et al 2003/0227182. In the amendment to claim 34 made supra, the limitation was introduced that the concave surface of the pole protector is for accommodating impact energy resulting from a collision with a vertically oriented cylindrical object.

Inasmuch as the specification in paragraph 46 speaks of the pole impact protector 40 having a concave outer surface or recess 48 which is formed to conform to the shape of a cylindrical object such as a telephone or utility pole, it is believed that this amendment does not introduce new information.

It is noted that the concave groove portion 115 in the application of Yoshida runs horizontally, and would not conform to the shape of a vertically oriented cylindrical object. Accordingly, it is believed that claim 34, as amended supra, does not describe the invention of Yoshida. The Examiner, therefore, is respectfully requested to withdraw her rejection of claim 34 under 35 U.S.C. 102(a) due to Yoshida.

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Claims 35 and 37 depend from claim 34, as amended above, and have all the limitations of claim 34. They, therefore, are also believed to not be anticipated by Yoshida. The Examiner, therefore, is respectfully requested to withdraw her rejection of claims 35 and 37 under 35 U.S.C. 102(a) due to Yoshida.

The Examiner also rejected claim 17 under 35 U.S.C. 103(a) as being unpatentable over Shibuya et al 5,727,827 in view of Tan 6,308,999. It is noted that claim 17 depends from claim 11 which has been amended supra to distinguish the invention from Shibuya. Since claim 11 is believed to be allowable, and claim 17 has all the limitations of claim 11, claim 17 is likewise believed to be allowable. The Examiner, therefore, is respectfully requested to withdraw her rejection of claim 17 under 35 U.S.C. 103(a).

In addition, the Examiner rejected claims 18 and 19 under 35 U.S.C. 103(a) as being unpatentable over Shibuya et al 5,727,827 in view of Tan et al 6,308,999 and further in view of Glance 4,460,205. It is noted that claims 18 and 19 depend from Claim 11, which, with the amendment made supra, is now believed to be allowable. Since claims 18 and 19 have all the limitations of claim 11, they also are believed to be allowable. The Examiner, therefore, is respectfully requested to withdraw her rejections of claims 18 and 19 under 35 U.S.C. 103(a).

The Examiner further rejected claims 20, 21 and 23 under 35 U.S.C. 103(a) as being unpatentable over Shibuya et al 5,727,827 in view of Yoshida et al 2003/0227182. Inasmuch as claims 20, 21 and 23 all depend from claim 11, which, with the amendment made supra, is now believed to be allowable, claims 20, 21 and 23 are believed to be allowable. The Examiner, therefore, is respectfully requested to withdraw her rejections of claims 20, 21 and 23 under 35 U.S.C. 103(a).

The Examiner also rejected claim 33 under 35 U.S.C. 103(a) due to Shibuya et al 5,727,827 in view of Glance 4,460,205. It is noted that claim 33 depends from claim 27. The latter was amended above to distinguish it from Shibuya, and is now believed to be allowable. Accordingly, since claim 33 has all the limitations of claim 27, claim 33 is

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likewise believed to be allowable. The Examiner, therefore, is respectfully requested to withdraw her rejection of claim 33 under 35 U.S.C. 103(a).

As a result of the amendments to claims made supra, and the preceeding discussion, it is believed that all the claims presently under consideration are allowable, and the Examiner is respectfully requested to allow the application. An early notice of allowance is earnestly solicited. For the Examiner's convenience, the allowable claims are summarized below.

Claims 11 - 23

Claims 27 - 37

Claims 42 - 45

If the Examiner has any questions, she is invited to contact the undersigned agent for the applicants at (724) 337-6165.

Respectfully submitted,

Edmond S. Miksch

Edmond S. Miksch
Agent for Applicant
Reg. No. 38,558
Tele. No. 724-337-6165



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